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Atty. Dkt. No. 049411-0253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Xie et al.
Title: Integrated Electrostatic Peristaltic
Pump Method and Apparatus
Appl. No.: 10/757,973
Filing Date: 01/13/2004
Examiner: Charles G. Freay
Art Unit: 3746

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed June 9, 2005, Applicants hereby provisionally elect Group I, Claims 1-21 and 28-33, for examination, with traverse.

The Examiner has required restriction between Claims 1-21 and 28-33 (Group I), drawn to an electrostatic pump and a method of pumping; and Claims 22-27 (Group II), drawn to a method of making a microfluidic device.

A restriction has been imposed because the Examiner believes that Groups I and II are related as the product as claimed could be made by a materially different process than that set forth in Claims 1-21 and 28-33. Applicants respectfully disagree.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. Applicants believe that the product set forth in Claims 1-21 and 28-33 can be obtained only by the process described in Claims 22-27.

If the Examiner is aware of another way to make the product as claimed, using a process which is materially different from that set forth in Claims 22-27, Applicants respectfully requests the Examiner to substantiate his/her position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and each of Claims 1-21 and 28-33, and 22-27, presently pending in this application be examined.

Respectfully submitted,

Date

July 8, 2005

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